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APR 08 2004

In re Application of
Fung, et al.
Application No. 10/657,770
Filed: September 8, 2003
Attorney Docket No. IAM-001
For: METHOD FOR TRACING
APPLICATION EXECUTION PATH IN A
DISTRIBUTED DATA PROCESSING
SYSTEM

: **OFFICE OF PETITIONS**
:
: **DECISION ON**
: **PETITION**
:
:

This is a decision on the petition filed February 5, 2004 requesting that Figures 10 and 11 be accorded a filing date of September 8, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on September 8, 2003. On December 15, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" informing petitioners that Figures 10 and 11, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 10 and 11 be accorded a filing date of September 8, 2003 on the basis that 11 sheets of drawing figures, including Figures 10 and 11, were received in the Patent and Trademark Office (PTO) on September 8, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing September 8, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 11 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 11 sheets of drawings were filed on September 8, 2003. MPEP 503. A review of the application file reveals that there are 10 pages of drawings present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. The \$130.00 fee submitted with the instant petition will be refunded by way of a treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 8, 2003**, using the copy of Figures 10 and 11 submitted with the instant petition. Office records will be corrected to show that 11 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis". The signature is written in dark ink and is positioned above the printed name and title.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions